



COUNTY OF YOLO

Office of the County Administrator

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Delta Stewardship Council
c/o P. Joseph Grindstaff, Interim Executive Director
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Dear Council Members and Mr. Grindstaff:

The County of Yolo offers the following comments on the draft *Administrative Procedures Governing Appeals, Statutory Provisions Requiring Other Consistency Reviews, and Other Forms of Review and Evaluation by the Council* ("Administrative Procedures").

In general, Yolo County believes the Delta Stewardship Council ("DSC") should amend the Administrative Procedures to clarify the process and reduce the administrative burden on local agencies. We have the following proposed changes:

- **Define "early consultation."** There is currently no definition of early consultation. The Administrative Procedures should define this process more clearly or at least set parameters to ensure it is not an unnecessarily burdensome process and is, as intended by the Legislature, focused on assisting state and local agencies in preparing certifications of consistency.
- **Affirm that "early consultation" is voluntary.** Water Code § 85225.5 explains that early consultation is intended to "assist state and local public agencies in preparing the required certification" Nothing in Section 85225.5, however, actually requires such agencies to engage in early consultation. The Administrative Procedures should accordingly make clear that early consultation is voluntary, and allow agencies to use their sound discretion to determine whether to engage in early consultation on a project-by-project basis.
- **Indexed administrative record.** The preparation of a complete administrative record is often a complex, time-consuming, and expensive undertaking. It is also entirely unnecessary except in the event of an appeal (and even then, a complete administrative record may be unnecessary if the issues are relatively discrete). There is no possibility that DSC staff will have the need or ability to review such documents in connection with the performance of their typical duties regarding each and every "covered action" in the Delta. Nor is a complete record called for in any of the Water Code provisions cited by DSC staff in the Administrative Procedures document. For at least these reasons, the Administrative Procedures should not require state and local agencies to submit a complete administrative record with every certification of consistency for a "covered action." The DSC should instead consider requiring only more limited submissions—such as project staff reports and environmental documents—under all but the most unusual circumstances (such as appeals, as noted above).

- **30-day posting requirement.** The document currently requires local agencies to post a draft certification of consistency for at least 30 days prior to submitting it to the Council. Nothing in the Water Code supports this requirement and it should be eliminated. Alternatively, it could be reduced to no more than 10 days so that the preparation of the certification occurs in the same timeframe as other final project approval documents. This will allow for meaningful public review while avoiding the undue delays that would inevitably result from a 30 day posting requirement.

Thank you for your consideration of these comments and questions. If you have any questions, please contact Phil Pogledich at Philip.pogledich@yolocounty.org or (530) 666-8275.

Sincerely,



Patrick S. Blacklock
County Administrator